

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 7, 24, 27-31, 33-35, 37-39 and 41 are amended without prejudice or disclaimer. Claims 6, 32 and 40 are cancelled without prejudice or disclaimer.

Rejection of Claims 27-34 Under 35 U.S.C. §101

The Office Action rejects claims 27-34 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Assignee has amended claim 27 and its pending dependent claims to recite a “non-transitory computer-readable storage medium....” Accordingly, these claims now comply with 35 U.S.C. §101.

Rejection of Claims Under 35 U.S.C. §112

Via a telephone conference with the Examiner on July 9, 2010, the Examiner indicated that the independent claims would be allowable with the limitations from claim 6.

Support is found in the specification on page 10, lines 3-19 for the concept of “wherein the additional high priority frames are low priority frames having a high priority level added after encoding.” Therefore, claims 1, 24, 27 and 35 comply with 25 USC 112, first paragraph.

Claims 7, 33 and 41 also comply with the written description requirement based on the same section of the specification cited above because all claims can be encoded at high priority and then transmitted with a desired priority at a later time. Furthermore, page 10, line 28 – page 11, line 9 provide further support for these limitations.


Claims 1 – 8, 24-42 are amended above to address the Section 112, second paragraph issues. Each respective issue identified in the office action is corrected in the claim amendments. Thus, the claims all comply with the requirements of 35 USC Section 112.

CONCLUSION

Having addressed all rejections and objections, the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

Date: October 13, 2010

By: 

Correspondence Address:
Customer No. 83224

Thomas M. Isaacson
Attorney for Assignee
Reg. No. 44,166
Phone: 410-286-9405
Fax No.: 410-510-1433